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FACSIMILE COVER SHEET

Examiner: Cybille Delacroix-Muirheid **Group:** 1614

Date: November 16, 2005

Client Code: 2075.1002-003

Facsimile No.: 571-273-8300

From: Anne J. Collins, Esq. *ajc*

Subject: Paper: Reply to Notice of Allowance and Issue Fee(s) Due

Docket No.: 2075.1002-003

Applicants: Rex T. Gallagher and Garner T. Haupert, Jr.

Serial No.: 09/506,246

Filing Date: February 17, 2000

Number of pages including this cover sheet: 5

Please confirm receipt of facsimile: Yes XXX No

Comments:

@PFDelac@1978-341-0036.1

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November 16, 2005

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PATENT APPLICATION
Attorney's Docket No. 2075.1002-003

NOV 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rex T. Gallagher and Garner T. Haupert, Jr.
Application No.: 09/506,246 Group: 1614
Filed: February 17, 2000 Examiner: Delacroix-Muirheid,
Confirmation No.: 7248 Cybille
For: Process for Large-Scale Isolation and Purification of Hypothalamic
Inhibitory Factor

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
November 16, 2005	<i>Elaine Crump</i>
Date	Signature
Elaine Crump	
Typed or printed name of person signing certificate	

REPLY TO NOTICE OF ALLOWANCE AND ISSUE FEE(S) DUE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Notice of Allowance and Issue Fee(s) Due (the "Notice") mailed from the U.S. Patent and Trademark Office on September 13, 2005 in the above-identified application, the Examiner requires "a certificate of receipt and viability of the [ATCC No. HB-8120] deposit" prior to payment of the issue fee (Notice, page 2). In response to the Examiner's requirement, Applicants transmit herewith a copy of the Certificate for Patent Deposit ATCC No. HB-8120.

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Also enclosed is a copy of a facsimile transmittal dated November 15, 2005 to Applicants' Attorney from Ms. Tanya Nunnally of the ATCC wherein Ms. Nunnally states that "...although there is no viability statement included in the certificate, viability is implied. A deposit must be viable in order to be accepted as a valid patent deposit by the ATCC. Therefore, by providing the ATCC assigned number [HB-8120] and by issuing the certificate, the ATCC declares that the material was viable at the time of testing."

As noted in the Notice of Allowability, the Examiner has required the submission of the aforementioned ATCC certificate of receipt and viability prior to the payment of the issue fee, which is due final on December 3, 2005. Therefore, in the interest of time, it is respectfully requested that the Examiner acknowledge receipt of this transmittal and the documents submitted via facsimile at 978-341-0136, directed to the attention of Anne J. Collins, Esq. If the Examiner feels that a telephone conference would expedite matters, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
Anne J. Collins
Registration No.: 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: November 16, 2005



American Type Culture Collection

12301 Parklawn Drive, Rockville, Maryland 20852 USA 301-881-2600 Telex ATCCROVE 908-768

Since 1925
an independent non-profit
organization incorporated in
Washington, D.C. and devoted to
the preservation of reference
cultures and their distribution to
the scientific community

The American Type Culture Collection (ATCC) has received your deposit of a culture in connection with the filing of an application for a patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Meredith M. Hunter, Ph.D.
E. Haber, M. D.
Michael Ned Margalies, M.D.
Laboratory of Cellular
and Molecular Research
Massachusetts General Hospital
Boston, Massachusetts 02114

AFFILIATED ORGANIZATIONS:

American Association of Immunologists
American Institute of Biological Sciences
American Phycopathological Society
American Society of Biological Chemists
American Society for Cell Biology
American Society for Microbiology
American Society of Pathologists
American Society of Zoologists
American Society of Tropical Medicine and Hygiene
Cancer Society of America
Infectious Disease Society of America
Mycological Society of America
National Research Council
National Academy of Sciences
Society of Proctologists
Tissue Culture Association

Date of Receipt of Culture by the ATCC: 3-31-82

Scientific Description

Depositor's Reference

ATCC Designation

Antidigoxin Hybridoma

Dig '26-10

HB 8120

The ATCC understands that:

1. The deposit of this culture does not grant to ATCC during the effective term of the patent anticipated a license, either expressed or implied, to infringe the patent, and our release of this culture to others does not grant them a license, either expressed or implied, to infringe the patent.
2. If this culture should die or be destroyed during the effective life of the patent it shall be your responsibility to replace it with a living culture of the same organism. It is also your responsibility to supply sufficient quantity for distribution for the life of any pertinent patent issued.

The ATCC agrees that in consideration for an annual service charge per culture not to distribute this culture or any information relating thereto or to its deposit except in accordance with U. S. Patent Office Rules of Practice, Rule 14, until such time as a United States patent has issued disclosing the above deposit. After such patent has issued the ATCC agrees to maintain the culture for the life of the patent at no additional charge to the depositor and to make the culture available for distribution for our usual fee. The service charge is payable in advance for each year or fraction thereof from the deposit date to the date verified notice is received by the ATCC that the patent application or applications filed pursuant to this deposit have become either issued or abandoned in the United States Patent Office. Nonpayment of the service charge within 90 days of the deposit date and subsequent anniversaries thereof relieves the ATCC from the above provisions.

American Type Culture Collection

Date: 4-2-82

By: 
(Mrs.) Bobbie A. Brandon, Head
Professional Services Department

TOTAL P.02

organization dedicated to biological
standards and biodiversity

10801 University Boulevard
Manassas, Virginia 20110-2209 USA

Telephone: (703) 365-2700
Facsimile: (703) 365-2701
Internet: <http://www.atcc.org/>

ATCC

FAX

Date: November 15, 2005

To: Ann Collins
Hamilton Brook Smith & Reynolds

From: ATCC Patent Depository

Reference: Certificate for Patent Deposit ATCC No. HB-8120

Per your request the ATCC provided a copy of the certificate for the patent deposit assigned ATCC No. HB-8120. Please note although there is no viability statement included in the certificate, viability is implied. A deposit must be viable in order to be accepted as a valid patent deposit by the ATCC. Therefore, by providing the ATCC assigned number and by issuing the certificate the ATCC declares that the material was viable at the time of testing. If you have questions concerning this information please contact me. Thank you.


Tanya Nunnally, Patent Specialist
ATCC Patent Depository
Phone: (703) 365-2721
E-mail: nunnally@atcc.org

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